United Nations A/65/845–S/2011/323

General Assembly
Security Council

Distr.: General
20 May 2011

Original: English

General Assembly
Sixty-fifth session
Agenda item 34
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Sixty-sixth year

Identical letters dated 20 May 2011 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith the statement of the Ministry of Foreign Affairs of Georgia regarding the armed attack on five young men which took place in the Sachkhere district on 18 May 2011 (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 34, and of the Security Council.

(*Signed*) Alexander **Lomaia**
Ambassador
Permanent Representative

11-35238 (E) 250511

Please recycle

Annex to the identical letters dated 20 May 2011 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement of the Georgian Ministry of Foreign Affairs regarding the armed attack on five young men which took place in the Sachkhere district on 18 May 2011

Five young men (aged 17, 21, 22, 26 and 27) from the village of Chalvani were picking capers in the Chonto valley (Sachkhere district), in the immediate vicinity of the occupation line, at about 8 a.m. on 18 May, when representatives of the occupation regime in Tskhinvali tried to detain them. The young men managed to escape. However, their armed attackers opened fire on them. Two of them were wounded, of whom one — a 17-year-old pupil of a local school — still remains in grave condition.

The Georgian side assesses this incident as yet another criminal act of unjustifiable brutality committed by the occupation troops, an act which is responsible for an extreme escalation of the situation in the territories adjacent to Georgia's occupied regions. One should not forget that up to 10 local citizens have been taken into custody by the Tskhinvali proxy regime, and that these people remain in prison despite the international community's insistent demands that they be released. Obviously, the Russian Federation and its proxy regimes continue to pursue their aggressive policy of destabilization designed to terrorize the local population. The Georgian Ministry of Foreign Affairs states that all responsibility for the 18 May incident and for the fate of those detained rests with the Russian Federation, as an occupying State. It is time for the Russian Federation to learn to comply with its own commitments and for it to be held responsible for the criminal acts carried out directly by Russian troops or under their patronage.

Irresponsible and criminal acts perpetrated by the Russian occupation troops and the proxy regimes are an important factor in causing instability. Of special interest is the fact that, following a series of terrorist acts masterminded from the occupied territories, the occupation forces have now switched to a new style of provocation. Such incidents should be held to be gross violations perpetrated by the Russian Federation of the 12 August 2008 Ceasefire Agreement as well as of universally recognized norms and principles of international law. The Georgian Ministry of Foreign Affairs calls upon the Russian Federation to immediately start complying with the 12 August agreement and to take active steps in order to investigate and prevent terrorist acts and similar incidents. A first tangible step in this direction would be taken if the Russian Federation would commit to the non-use of force with respect to Georgia and would provide access to Georgia's occupied territories for international police and peacekeeping forces. It is only through a considerable international presence that similar incidents can be avoided and that security and stability can be achieved in the occupied regions and their adjacent territories.

The Georgian Ministry of Foreign Affairs also calls upon the international community to duly assess this latest incident. The Georgian side will raise the issue of terrorist acts, criminal incidents and the illegal detention of persons at the Geneva

discussions and during the forthcoming meeting of the Incident Prevention and Response Mechanisms, and will categorically demand that the Russian Federation put an end to such provocative and destabilizing actions.

Tbilisi, 18 May 2011

United Nations S/2011/324

Security Council

Distr.: General
23 May 2011

Original: English

Letter dated 17 May 2011 from the Chair of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from the Sudan submitted pursuant to resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) H. S. **Puri**
Chair
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

11-35518 (E) 270511 270511

Please recycle

Annex

[Original: Arabic]

Implementation by the Sudan of Security Council resolution 1624 (2005)

Introduction

The Government of the Sudan would like to inform you that it remains committed to the implementation of all articles of Security Council resolution 1624 (2005), and is in the habit of covering such implementation in its annual reports on the execution of Security Council resolution 1373 (2001), the most recent of which was that of 2009. Set forth below is a report on implementation of resolution 1624 (2005), on the basis of the relevant articles of that resolution:

1. Prohibit by law incitement to commit a terrorist act or acts and prevent such conduct

(a) The 2001 Anti-Terrorism Law of the Sudan, in chapter eight, unambiguously criminalizes incitement to commit terrorist acts. Each article of that chapter provides penalties for anyone who commits, incites the commitment, plans to commit or facilitates, by word or deed, the commitment of any terrorist act. Such acts are specified as follows:

(i) Perpetrating terrorist crimes (article 5).

(ii) Leading a terrorist criminal organization (article 6).

(iii) Hijacking aircraft (article 7).

(iv) Undertaking illegal acts against the safety of aircraft (article 8).

(v) Hijacking ships and means of maritime and river transport (article 9).

(vi) Hijacking means of land transport (article 10).

(vii) Kidnapping or harming persons (article 11).

Article 3 of the Law provides that the Law shall be applied to acts of incitement within and outside the Sudan.

(b) The 2010 Anti-money Laundering and Financing of Terrorism Law, article 33, provides as follows:

(i) A person shall be considered guilty of the crime of money-laundering when he earns, acquires, spends, uses, transfers, manages or moves money or conceals or misrepresents the source or true nature or position of money or the manner in which it has been employed or possessed, or any rights relating thereto, when that money represents the proceeds of a crime that was committed either within or outside the Sudan, provided that the relevant act was criminalized under both Sudanese law and the law of the State in which the act was committed.

(ii) A person shall be considered guilty of the crime of financing terrorism when he collects or provides money directly or indirectly for the purpose of committing a terrorist act or with the intention that it shall be used by a

terrorist organization or individual. A terrorist act is understood to mean any act that is criminalized under the 2001 Anti-Terrorism Law or any law that may replace it, or any act of a terrorist nature that is criminalized under an international instrument to which the Sudan is a party.

(iii) A person shall be considered guilty of the crimes provided for in this chapter when he plans or agrees to a crime or participates in, incites, or cooperates in the perpetration of any of those crimes, and shall be liable to the same punishment as the original instigator.

2. Denial of safe haven

(a) The Penal Code of the Sudan outlaws the concealment of or provision of safe haven to criminals who have perpetrated any criminal act, including the crime of terrorism.

(b) The 2001 Anti-Terrorism Law, article 6, provides penalties for the leaders of terrorist criminal organizations, whether those organizations operate within or outside the Sudan.

(c) The 2001 Anti-Terrorism Law, article 18 (a), provides for the seizure of real and other property and equipment that is employed in the perpetration of a terrorist criminal act, or of concealing those who are responsible for or are suspected of responsibility for arranging, perpetrating or inciting such an act.

(d) Article 19 of the same Law provides for the expulsion and extradition of foreigners who commit, plan or incite terrorist crimes.

(e) Article 20 of the above Law provides for the termination of the residence of foreigners who are proven to have entered the country with the intention of perpetrating a terrorist crime. Such persons will be directed to leave the country within two weeks.

(f) Practical implementation confirms that the Sudan does not permit shelter or safe haven to be provided to terrorists. That is demonstrated by the fact that the Government of the Sudan handed over to the Government of France the notorious terrorist known as Carlos, and has also extradited to Saudi Arabia a number of Saudi terrorists who had planned to carry out training operations in the Sudan.

It is worth pointing out that the Sudan was one of the first countries to promulgate a law on the extradition of criminals, which it did in 1957. That law has been in force ever since. The Sudan is also a party to numerous agreements related to the extradition of criminals and the interchange of judicial cooperation, including the Riyadh Agreement, and the two Intergovernmental Authority on Development (IGAD) international agreements concerning the extradition of criminals and the interchange of judicial cooperation.

3. Reinforcement of the security of international borders

(a) Despite the fact that the borders of the Sudan with several African and Arab States are extremely long, the Government of the Sudan is doing everything possible to reinforce and control those borders. Border security forces patrol all the borders of the country, and special departments are responsible for following up border-related issues with the Ministries of Defence, the Interior, Foreign Affairs and Justice and the security apparatus.

(b) A Ministry of the Interior department controls the borders and documentary evidence of monitoring. No foreigner is permitted to enter without official documents, a situation that is considered a breach of the laws relating to passports, migration and nationality. Such persons are tried and deported.

The Ministry also controls the issuance of passports and determines the procedures that must be followed in order to establish legal residence. The Ministry certifies and controls passports through the criminal evidence offices or using certifications from the embassies in the Sudan of foreign countries. The Sudan has recently begun issuing electronically readable passports in order to ensure greater security for its national passports and make them less easy to forge.

(c) Customs units are in position at all entry points and monitor the movement of goods and all imports and exports. They include anti-smuggling units that seize all contraband and deal with it in accordance with the customs law.

(d) With a view to controlling the movement of refugees, the Sudanese Law on Refugees regulates all such movements. The Ministry of the Interior has established a Refugee Department, which places such persons in camps, where it is able to monitor any criminal activity. All armed refugees that enter the Sudan are divested of their arms and military uniforms by the Sudanese armed forces. There is continual coordination between the Refugee Department and Office of the High Commissioner for Refugees.

(e) With regard to transboundary human trafficking, the authorities of the Sudan monitor such cases in the country. In the past, it has seized persons who were being trafficked into Cyprus and Libya and followed the appropriate procedures.

(f) In coordination with the IGAD programme for counter-terrorism capacity-building, the Sudan has undertaken studies on border control procedures that covered the country's borders with Ethiopia, Kenya and Uganda, and is making preparations for a study of the border with Egypt. The aim of the studies is to become familiar with the current status of border control and ways in which it may be improved.

(g) With the aim of reinforcing security measures, the Sudan maintains with neighbouring countries joint committees that draw up common borders. The process has been completed in respect of the borders of the Sudan with Chad. Work is currently under way with regard to the borders with Ethiopia. Joint security programmes are also undertaken.

4. Dialogue and understanding among civilizations

This is a matter of the greatest interest to the Sudan, which has an institute devoted to the culture of the country that conducts studies on different civilizations. Many research and study centres and universities have specialists in that field. Additionally, many forums have been held in the Sudan with a view to conducting dialogue and exchanging concepts of and views on civilizations, particularly with such Eastern countries as Malaysia and with European countries. The Council for Sudanese People's Friendship works to that end, representing a popular diplomacy that strengthens relations and mutual understanding throughout the world. Through the Council, visits are exchanged and various conferences and forums held.

The Sudan values religious tolerance and, with that in mind, has established such forums and departments as the Sudan Inter-Religious Council and, within the Ministry of Guidance and Endowments, the Department of Churches and the Commission for Non-Muslim Rights. The Sudan Inter-Religious Council and the Ministry of Guidance and Endowments have convened many meetings on religious dialogue.

5. Countering the incitement of terrorist acts motivated by extremism and intolerance

In addition to the legal provisions concerning the criminalization and prevention of incitement that are cited in the body of the present report, the promotion of religious hatred or intolerance is outlawed by the Penal Code. The Sudanese authorities oppose propaganda that is extremist and intolerant of other religions, tribes or regions. The Ministry of Guidance has therefore devised an awareness-raising programme that calls for moderation and reasonableness in the presentation of religious views. An organization led by a major Sudanese intellectual was established in order to mediate in religious matters. All Sudanese missionary forums, both Muslim and Christian, repudiate extremism and intolerance or the use of violence in the propagation of ideas. In coordination with religious scholars and intellectuals, the security authorities devised a programme to revise ideas, the targets of which were a number of extremists. The programme was successful in the majority of cases. Ideas were not the only issue: security measures had already been taken with a view to monitoring and detaining extremists and curbing their activities, and further measures were then taken in respect of security and propaganda. Legal proceedings were taken against some, including the Khalifa group, which attacked and killed many persons who were praying in a mosque in the capital, and against the extremist murderers of the American diplomat John Granville and his driver.

6. Compliance with obligations under international law

(a) The Sudan is a party to 12 international counter-terrorism instruments and many others, including the Arab Counter-Terrorism Agreement, an African counter-terrorism agreement, an Islamic counter-terrorism agreement, a security and judicial cooperation agreement with Syria, extradition agreements with Ethiopia, the Central African Republic and Kenya, and the Riyadh Arab Agreement for Judicial Cooperation.

(b) The Sudan is similarly committed to the implementation of counter-terrorism-related Security Council resolutions and, in particular, resolutions 1267 (1999), 1373 (2001), 1540 (2004) and 1624 (2005).

(c) The Sudan has tried to ensure that its counter-terrorism laws are consistent with international requirements and in accordance with the relevant international counter-terrorism instruments. That is particularly clear in the 2001 Counter-Terrorism Law and the 2010 Anti-money Laundering and Financing of Terrorism Law.

(d) The Sudan is also committed to international instruments relating to respect for human rights, international humanitarian law, refugees, the uses of nuclear power, and weapons of mass destruction; and exerts *earnest endeavours to* counter corruption.

(e) With a view to reinforcing those commitments, the Sudan works with the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime, the Algerian Centre for Research and Studies on Terrorism, the IGAD programme for counter-terrorism capacity-building, and the technical secretariat of the group of Arab counter-terrorism experts. Through those bodies, the Sudan affirms its commitment to all international counter-terrorism resolutions and instruments, and obtains advice and recommendations on best practices for implementation of its commitments and the formulation of counter-terrorism-related legislation.